

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

GIBSON BRANDS, INC., §
§
§
Plaintiff, § Civil Action No. 4:19-CV-358
v. § Judge Mazzant
§
ARMADILLO DISTRIBUTION §
ENTERPRISES, INC. and CONCORDIA §
INVESTMENT PARTNERS, LLC, §
§
Defendants. §

ORDER

Pending before the Court is Plaintiff's Emergency Supplemental Motion for Contempt (Dkt. #601). Having considered the motion and the response, the Court finds that the motion should be **DENIED as moot**.

On May 16, 2022, the trademark lawsuit between Plaintiff Gibson Brands, Inc. ("Gibson") and Defendants Armadillo Distribution Enterprises, Inc. and Concordia Investment Partners, LLC (collectively, "Armadillo") went to trial and the jury ultimately rendered a verdict eleven (11) days later (Dkt. #547). On July 28, 2022, the Court entered a final judgment, which contained a permanent injunction against both Defendants (Dkt. #547). Gibson now argues that Armadillo has not complied with the permanent injunctions that were ordered.

Less than a month after the final judgment was entered, Gibson filed a Motion for Civil Contempt Due to Defendants' Violations of the Permanent Injunction (Dkt. #552). On October 18, 2022, Gibson filed the pending Emergency Supplemental Motion for Contempt alleging that Armadillo was still not in compliance with the Court's permanent injunctions, more than four

months after the final judgment was entered (Dkt. #601). On November 1, 2022, Armadillo filed its response (Dkt. #603).

The Court ordered a show cause hearing on the emergency motion, scheduled for October 31, 2022 (Dkt. #602). At the hearing, the parties informed the Court that they had resolved almost all the issues raised in Gibson's contempt motions (Dkt. #603). The parties' remaining disputes arise out of the images and videos depicting the DEAN Z and DEAN V guitars on social media and the deanguitars.com website. What this Court must decide is whether these images and videos constitute a violation of the July 28th permanent injunctions (Dkt. #603). The Court took this question under advisement, as the parties had fully briefed the issue in the original contempt motion and responses (Dkt. #552; Dkt. #573; Dkt. #578; Dkt. #591). Any new arguments that were raised in the pending motion were resolved by the parties. Accordingly, Gibson's emergency motion is therefore moot.

It is hereby **ORDERED** that Plaintiff's Emergency Supplemental Motion for Contempt (Dkt. #601) is **DENIED as moot**.

IT IS SO ORDERED.

SIGNED this 8th day of November, 2022.



AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE